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Conference

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STEVEN MEYER, et al.,

Plaintiffs,

v.

11 CV 6268 (ALC)

U.S. TENNIS ASSOCIATION,

Defendant.

-----x

New York, N.Y.
March 14, 2013
4:03 p.m.

Before:

HON. ANDREW L. CARTER, JR.,

District Judge

APPEARANCES

ABBEY, SPANIER, RODD & ABRAMS

Attorneys for Plaintiff

BY: ORIN R. KURTZ

AKIN, GUMP, STRAUSS, HAUER & FELD

Attorneys for Defendant

BY: NATHAN J. OLESON

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1 (In open court)

2 (Case called)

3 THE DEPUTY CLERK: Counsel, please state your
4 appearance for the plaintiffs.

5 MR. KURTZ: Good afternoon, your Honor.

6 Orin Kurtz of Abbey Spanier, LLP for the plaintiff.

7 THE DEPUTY CLERK: And for the defendants.

8 MR. OLESON: Good afternoon, your Honor.

9 Nathan Oleson of Akin, Gump, Strauss, Hauer & Feld for
10 the defendant, United States Tennis Association.

11 THE COURT: Okay. Good afternoon.

12 I've received the parties' submissions. I'm going to
13 hold off on allowing the defendants to file the motion for
14 summary judgment for now, but I will be deciding the motion for
15 class certification soon. I anticipate having a decision on
16 that sometime in the month of April. And once that takes
17 place, obviously, we can start moving forward with the summary
18 judgment motions, and deal with that.

19 Regarding the collective action that the Court has
20 already conditionally certified, I know there's a dispute
21 between the parties as to the proposed notices to go out.

22 We've received the parties' proposed notices through
23 ECF. It would be helpful to the Court if the parties could
24 submit those by email to chambers in Microsoft Word, so we can
25 get you a decision on those quickly, as well.

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1 So, again, I know defendants are anxious to file the
2 motion for summary judgment. Just hold off for now and we'll
3 move things along shortly.

4 Anything else from plaintiff's counsel today?

5 MR. KURTZ: No, your Honor.

6 THE COURT: Okay. Anything else from defense counsel?

7 MR. OLESON: Just, your Honor, obviously, we made our
8 position known before, but I would just reiterate our position
9 that the motion for summary judgment, we believe, would be the
10 most expeditious way of handling this litigation before any
11 sort of decision is made on the collective action
12 certification.

13 THE COURT: Okay. Thank you.

14 Anything else from defense counsel today?

15 MR. OLESON: No, your Honor.

16 THE COURT: Okay. Thank you very much.

17 Actually, hold on. Yes. Plaintiff's counsel.

18 MR. KURTZ: I just wanted to raise one issue.

19 In the letters that were coming back and forth to your
20 Honor, there was some talk of additional discovery. I hesitate
21 to even call it additional discovery, because we received
22 documents, and then the next day there was a request to your
23 Honor for the summary judgment motion.

24 There is at least one document that we'd like to
25 depose somebody about. It's a document received in mid- to

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1 late January of this year and mentioned in our letters to the
2 Court. I can take this up with the magistrate, but there's
3 just a short deposition that we'd like to take in connection
4 with one document and a discrete topic related to that.

5 THE COURT: Okay. I'll let the parties confer with
6 each other, and if you can't resolve it, then take it up with
7 the magistrate judge.

8 MR. KURTZ: Okay. Thank you.

9 THE COURT: All right. Thank you very much.

10 MR. KURTZ: Thank you.

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